

### REMARKS

Claims 1-11 are now pending in this application. Claims 1-5 are rejected. Claims 5 and 6 are objected to. New claims 7-11 are added. Claims 1-6 are amended herein to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claim 5 is rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. Claim 5 is amended to remove or correct the lack of antecedent basis noted in the Office Action. Therefore, reconsideration of the rejection of claim 5 and its allowance are earnestly requested.

Claims 1 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Toaka et al. (WO 02/066285). Applicants herein respectfully traverse these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Claim 1 recites in pertinent part the following:

a catching part being disposed in a front part  
inside a seat cushion, said catching part extending in  
a widthwise direction of the seat cushion and arranged  
so as to be movable up and down; and

an inertial force application mechanism that is  
activated by an inertial force at a time of rapid  
deceleration operable to move the catching part  
upward

Applicants respectfully submit that Taoka et al. lacks disclosure relating to a catching part which is moved upward by an inertial force application mechanism at a time of rapid deceleration. Rather, in accordance with the cited reference, inertial force acts instead on the pendulum member 18 which operates to inhibit vertical movement of the catching part 14 (see, for example, the abstract), and does nothing to move it upwards. Instead of relying on inertial forces for upward displacement, a torsion spring is instead provided to upwardly bias the catching member upwards.

In view of the above, it is respectfully submitted that claims 1 and 4 particularly describe and distinctly claim elements not disclosed in the cited

reference. Therefore, reconsideration of the rejections of claims 1 and 4 and their allowance are respectfully requested.

Claims 2 and 3 are rejected as obvious over Toaka et al. in view of Takada (US 4,225,178) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the secondary Takada reference does not provide the teaching noted above with respect to the anticipation rejection that is absent from the primary Taoka reference. Like Taoka, the plate element 5 in Takada, being equated with the catching part, is merely locked in place by operation of inertial forces, and not moved upward, as claimed in claim 1, from which claims 2 and 3 depend. Thus, the combination of prior art references fails to teach or suggest all the claim limitations, as properly required for establishing a *prima facie* case of obviousness. Therefore, reconsideration of the rejections of claims 2 and 3 and their allowance are respectfully requested.

Claims 5 and 6 are objected to as being dependent from a rejected base claim. The Examiner indicates that the claims contain allowable subject matter and would be allowed if put in independent form incorporating the limitations of the base and intervening claims. The claims are amended in accordance with the Examiner's

suggestion. Reconsideration of the objection and allowance of the claims are respectfully requested.

Dependent claims 7-11 are added and are submitted as patentable over the cited art of record based on the subject matter cited therein in addition to the subject matter of their respective base claims.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
JORDAN AND HAMBURG LLP

By C. Bruce Hamburg by:  
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicants  
and,

By Lawrence Wechsler  
Lawrence Wechsler  
Reg. No. 36,049  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340